

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Bicks on November 7, 2007.

The application has been amended as follows:

In Claim 12, line 3, after "extend" replace "along a level of said base fabric in plan view in sinusoidal or cosinusoidal waves;" with -- in a sinusoidal or cosinusoidal wave pattern within a plane parallel to the surface of said base fabric; --

In Claim 15, line 4, after "loop", delete "before passing under one of said filaments of said base fabric".

2. The following is an examiner's statement of reasons for allowance:

3. The Amendment submitted on August 24, 2007, has been entered. Claims 1 – 11 have been cancelled. Claims 12 – 22 have been added. Therefore, the pending claims are 12 – 22.

4. The cancellation of claims 1 – 11 renders moot the rejection to those claims set forth in the previous Office Action.

5. The drawings were received on August 24, 2007. These drawings are acceptable. The changes to the cancellation of the original claims and the submission of new drawings are sufficient to overcome the objections to the drawings set forth in the previous Office Action.

6. The prior art fails to teach or fairly suggest producing a loop fabric with fastener elements wherein the base fabric is a woven fabric which comprises warp and weft yarn and wherein one of said warp and weft yarns extend in a sinusoidal or cosinusoidal wave pattern within a plane parallel to the surface of the fabric. While woven fabrics would have warp and weft filaments that form a wave pattern in the direction perpendicular to the surface of the fabric, the yarns are run in straight lines and are not curved to form wave

patterns which extend within a plane parallel to the surface of the fabric. While it is known to make fastener elements wherein fastening elements are positioned in a wave pattern (see US 5,040,275 and US 6,076,238) these fastener elements are formed from film layers and do not teach or suggest using wave patterns within the base fabric of a woven fastener to cause the fastener elements to be offset from one another. Thus, claims 12 – 22 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Johnson whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlj  
November 8, 2007

/Jenna-Leigh Johnson/  
Primary Examiner, Art Unit 1794